Scott. II—48—24,846—20-1-21

PW Rw (192/) Department.

House SERIES.

G.O. No 14830

DATED 13.10.21

[Despatch Abstract.]

REVENUE **DEPARTMENT.**

REVENUE-D O.S 4945 Regd. 9-9-21

Received ..... 191 *Registered* 191

UNDER SECY. TO GT. 7-9-1921 REVENUE DEPT.

Subject.

Reporting result in A.S.346/20, on the file of the High Court, Madras.

Revenue 4945/21 — 10/9/21 Law (Edn) w.a 8/9/21

The land has been acquired for the Construction of a training school

No. 327

ENCLOSURES.
No. .....
Spare copies .....

Station Madras, *Dated the* 6th September 1921. 191

From (Name) C. Madhavan Nair Esq.,

(Designation) Government Pleader, Madras.

To The Secretary to the Government of Madras,

REVENUE Department.

Sir,

With reference to G.O. No.773 Home (Judicial)dated 20th March 1920, and G.O.Mis.No.2255 Revenue dated 14th September 1920 I have the honour to inform the Government that A.S.No.346/20 and the Memorandum of Objections came on for hearing to-day when the Appeal was dismissed with costs while the Memorandum of Objections was dismissed with proportionate costs.

The above appeal which was filed on behalf of

Government

Government in connection with Land Acquisition in Mangalore South Kanara) came on for hearing to-day and it was dismissed by their Lordships Oldfield and Ramesam JJ with costs. The claimant filed a Cross Appeal asking for a higher price and it was also dismissed with proportionate costs. With regard to the costs of the Lower Court. the District Judge had made each party to bear his own costs, ~~and he~~ was interfered with by the High Court. the Government being called upon to pay costs of the ~~appeal~~ Claimant in the lower Court.

The facts of the case are briefly these ;- The - Government purchased under the Land Acquisition Act about acres in Mangalore Town for the construction of a combined building of a Secondary School for Girls and a Training School for Mistresses. The Claimants asked Rs.8000/- per acre and Rs 8000/- for severance value. The acquiring officer awarded Rs.4500/- per acre and Rs.150/- on account of severance. The District Judge modified the award by awarding Rs.6000/- per acre without adding to the severance value in any way and made each party bear his own costs. The District Judge mainly relied on the evidence of the Second Government witness for this purpose. I was asked to prefer an Appeal on behalf of the Government saying that the amount awarded is too much. Against this Appeal the Claimants filed a Memorandum of Objections asking for value at the rate of Rs.8000/- per acre and Rs 8000/- for severance and also/~~a grant on~~ asking to modify the order as to costs passed by the lower court. As mentioned in the first paragraph the appeal by the Government was dismissed by the learned Judges and as a consequence of dismissal the Government is ordered to pay costs. As regards the memorandum of objections, the entire memorandum except as regards costs ordered by the lower court was dismissed by the learned Judges. As regards the costs, holding that the claim was not extravagant the learned Judges ordered that the Government should pay costs of the claimants in the lower court. As

the

the claimants succeeded in the memorandum of objections to this extent, proportionate costs were allowed in dismissing the memorandum of objections.

As this is a Land Acquisition Appeal, no appeal lies to Privy Council.

I have the honour to be,

Sir.

Your most obedient servant,

Government Pleader.

Law(Estt) Dept

P.W.D. No. [The orders for the acquisition of the site were issued in G.O. Rt. No. 1 W. & 28.5.19 (S)]

W(Estt) No. 2684B-1
16.9.21

(F)

CR
15/9/21

CW
14.9.21

IL
14.9.21

LAW SECTION
19 SEP 1921
GOVT. OF INDIA

~~2000~~ 3011
2018

Secrt. II-10 (a)—26,596—11-4-21.

P.W. DEPARTMENT.

	Date.	Initials.
When received for Fair copying.		
When copied		
When examined ..		
When signed ..		
When despatched ..		

READ AGAIN G.O. No. 22 W, dated 1 1 1929.

" " " " 291 W " 28 S 1929.

READ ALSO:—

P C. No. 2018 B From the Government Pleader, No. 327, dated 9 192

" " " " " " 192

" " " " " " 192

Records

ORDER.

No. 1483 W dated 13. 10 1921.

Recorded:

To The Collector [illegible] Kanara

5.

Copy to the Law (Education) Dept

" The Revenue Dept

for Secy U.S

Note

The Draft G.O. recording the Govt Pleader's letter read above may be issued after its perusal by Revenue & Law (Education) Depts.

Revenue

Law (Edl.)

542

P. W. U.O. 2018 B-1

29-9-21

Revenue Deptt

To Under Secy

The draft order may be perused and the file passed on to Law Edn) W.O

Ke
30.9.21
Law (Edn.) KD

K.
29.9.21

Dp(b)
30/9

Rev a/cs No. 5423D/21

30/9/21

Edn 2964B
6.10.21.

Law/Edn) Deptt

may be perused and returned to the Revd.

6.10.21

7.10.21

O. Wdn

Order No. 2264B-1
8.10.21

SECTION
11 OCT 1921
CURRENT NUMBER
2235

JSone

13/10/21.

11.10.21 11.10.21